

6/12/03

**Meeting Minutes for *E. coli* Rulemaking Workgroup
June 5, 2003, 12:30 PM to 3:30 PM
Tippecanoe County Extension Office**

Attendees included:

Mary Ellen Gray, Dennis Clark, Tom Ungar, Jodi Perras, Paul Werderitch, Ron Turco, Chad Frahm, Bobbi Steif, Lynne Newvine, Jim Meyer, Dave Kallander, Reggie Baker, Barb Lollar, Bill Harkins, Kiran Verma. Holly Wirick from U.S. EPA attended via conference call.

Jodi Perras needs to be added to the distribution list.

Workgroup Meeting Minutes: 3/28/03 (Revised) and 5/7/03:

Mary Ellen asked the group whether there were any revisions or corrections to be made to the minutes. No comments were received.

Update on First Notice:

Mary Ellen informed the group that the first notice was on its sixty-day comment period, which would be up at the end of July. She explained that it would be IDEM's responsibility to summarize the comments and that the group will have access to the comments received to see if they had comments on them. She explained that it was IDEM's role to respond to the first notice comments.

Review of Colorado's Recreational Use Classification Guidance:

Mary Ellen concurs that the use classification described in Colorado's guidance seems like a good framework, utilizing a risk-based approach, as well as primary and secondary classifications.

Discussion: Jim Meyer asked what the group was trying to accomplish. He indicated that there are small increase in numbers with 1a and 1b, but for CSO purposes, may not be totally relevant. He mentioned dry weather and wet weather. He also wondered about the wet weather applicability of Colorado's guidance.

Mary Ellen responded that the main purpose of this group was not wet weather use, but *E.coli* and other items in the workplan. She stated that wet weather should certainly be discussed.

Denny Clark explained that IDEM had looked at the EPA guidance and was discussing with the group about going with the EPA guidance. Then IDEM heard that EPA was changing its mind about allowing a risk level of 8 to 14 illnesses per 1000, and it appears that the state would not have as much latitude. On doing some research, IDEM came across Colorado's document.

Reggie Baker cautioned the group to keep in mind that we are studying a framework of a state that is not impacted by CSOs.

Paul Werderitch commented that rivers have a slightly different focus.

Mary Ellen clarified that she was certainly not pushing Colorado's approach, but that we want to look at a risk-based approach including secondary contact.

Denny Clark reported he had reviewed the Colorado paper. He explained that Colorado divided recreation classification into two sub-categories: primary contact and secondary contact. Under primary contact classification, the surface waters are suitable or intended to become suitable for recreational activities in or on water where the ingestion of water is likely to occur. The primary contact classification is further divided into two classes – existing primary contact and potential primary contact. Under the secondary contact classification, the surface waters are not suitable or not intended to become suitable for primary contact recreation uses, but are suitable for other recreational uses not included in the primary contact category. Class 1a is the default. Denny Clark explained that class 1a and 1b do not require an UAA, but for waters in Indiana to be designated for secondary contact use we would need to do an UAA on a case-by-case basis. Colorado does factor in water play by children in determining primary contact use. The document does not seem to include a single sample max, just a geometric mean. Tennessee also does not have a single sample max. EPA guidance recommends a single sample maximum and geometric mean. No final decision from EPA yet on utilizing 14 illnesses per 1000, but it appears it will be going with 8 and 10 per 1000 illnesses.

Jodi Perras asked what EPA's role is during this rule process. Holly Wirick replied that EPA has to approve a rule passed by Indiana. Lynne Newvine recommended that Colorado's was a good framework as a starting point for the group. One issue the group had was that Indiana's streams are not dry. Jodi Perras was concerned with the group focusing on Colorado, as their waters may not be the same as Indiana's. She would like the group to look at what other states are doing, especially states more similar to Indiana, so that there are more options to consider. Tom Ungar indicated that ORSANCO is focusing on *E. coli* and wet weather. Jim Meyer had concerns with existing use and how that plays into primary and secondary use contact. Lynne Newvine wondered whether any other state had a wet weather use. Jim Meyer thought Maine and Oregon might. Denny Clark indicated that they would have a better idea about how to deal with wet weather after the ORSANCO meeting next week. Holly Wirick had reviewed Ohio and will be talking with Mary Ellen regarding that. Jim Meyer stated that he had some concerns from the regulatory standpoint - we do not have a secondary standard and we are setting a floor below which you cannot do a UAA. He would prefer not to have a secondary use and questioned as to what level must existing uses be protected. Barb Lollar explained that existing uses still have to be protected, regardless of whether we have secondary contact as a designated use. Jodi Perras had a problem with the Colorado language. Mary Ellen explained that the group had agreed to look at Colorado as a general conceptual framework. Denny Clark explained what is meant by risk based approach. He also explained that EPA is changing the risk levels to 8 and 10 per 1000

illnesses from 8 to 14 illnesses per 1000, so we had to adjust accordingly. Further discussion followed among the workgroup.

Mary Ellen asked the group whether they concur with Lynne Newvine's suggestion that the group should work off of Colorado's document as a framework, look at other states, as well as our own ideas. The group agreed.

Mary Ellen went over the points of discussion. She reported that Reggie Baker had done a summary on other states, which we could flesh out, as well as, look at the document the city provided. It seemed to her that the workgroup agreed on utilization of risk levels and secondary contact use. No epidemiology studies are available on secondary contact use. The best we can do is to look at other states to see what criteria they have. Regarding full body contact definition and primary contact definitions, Mary Ellen indicated that Bill Harkins had put together a synopsis of terms used in the federal guidance. There is no definition for primary contact in the federal rules, but there is in guidance. Indiana uses the full body contact definition. Discussion followed on full body contact and primary contact. The difference between the two is ingestion. (Indiana's definition does not include ingestion, EPA's does). Barb Lollar cautioned that if we do not change the definition, we may not be in sync with EPA. Holly Wirick suggested that we should have ingestion in the definition. Tom Ungar and Jim Meyer liked the definition the way it is. Denny Clark thinks the term should reflect the purpose of criteria, which is protecting people from getting sick.

Attachments to Colorado's Guidance need to be sent to the workgroup.

Jodi Perras passed out a paper focused on CSO states. The paper will be circulated electronically to the workgroup.

Meeting dates were approved. The meeting in November will be on November 20th in Indianapolis at 10:00 a.m. An updated list will be sent with the next mailing.

Mary Ellen asked if anyone was interested in giving a presentation to the Triennial Steering Committee on June 25th and the WPCB on July 9th.

Next Meeting Issues:

Summary from other states

Definitions of primary contact and secondary contact definitions

Next Meeting:

Wednesday July 16th, 12:30 p.m. to 3:30 p.m.

Tippecanoe County Extension Office